

The Court said, that an objection might go either generally to a witness so as to exclude him from being examined at all, or to particular questions; he might be a competent witness on certain points and not upon others, that they should adopt this distinction in the present instance, and admit Mr. *Grant* as a Witness; for they could not consider him, as wholly incompetent; that they would not however, suffer him to be examined touching the receipt charged in the Indictment, for as to that he would swear in discharge of himself; that there was no release, and that the compromise of the action against *Miller* was admitted to be conditional. They remarked that in the case of Francis Parr, (L. C. C. 487.) Isaac Hart, whom the Prisoner had personated, and whose signature he had forged upon the dividend book of the 3 per cent Consols at the Bank, and upon the dividend Warrant was admitted to prove, that he was the proprietor of the Stock, the amount of it, and that the sum of £58 10. was due to him for half a year's interest thereon.

Mr. *Grant* was then examined, he said he was Plaintiff in a cause pending in the Court of King's Bench in February Term last, wherein the Prisoner was Defendant; that cause was not settled in that Term. He had agreed with Mr. *Stuart*, Counsel for the Prisoner, to receive a certain sum in lieu of that for which the suit was brought. He had agreed to take £105, part of which he had received and had given a conditional Receipt. The £105 did not form the whole of his demand. The Signator to the Receipt A. was his hand-writing. He had received money from the Prisoner on the 14th June 1802. The amount which was carried to the Prisoner's credit was £19. which sum, was composed partly of money and partly in certain all-wares made him. That this sum of £19 was the balance of certain accounts current between him and the Prisoner, so that an interest might possibly be inferred. He had no recollection of having received from the Prisoner any money since the 14th June 1802, except what he had mentioned to have recd. lately by the hands of Mr. *Stuart*. *Cross Exam.* by Mr. *Ker*. He said he did not wish to answer in any other way than as he had done, but if forced to answer positively, he must say

that he did not receive any money from the Prisoner after the 14th June 1802. Here the evidence for the prosecution closed.

The Prisoner upon his Defence said, that there was no proof against him. That he was conscious of his innocence. He hoped the Jury would look into the circumstances, and particularly consider through how many hands the Receipt had passed. He had some evidence to produce in his favor, and should first call, *Thomas Miller*.

*Thomas Miller* being sworn, said, that He was at the house of his brother the Prisoner at the Bar, in the month of August or September last; and he recollected that Mr. *Grant* came there on Horse-back, that he stopped and asked the Prisoner when he would settle with him, who replied, he was willing to settle upon reasonable terms at any time. Mr. *Grant* said the same, and desired the Prisoner to make out his account current. The Prisoner replied it was already made, and went into the house and brought it to Mr. *Grant*, who examined it, and said that he did not think he had received so much money as was there stated; upon which, the Prisoner went in, and brought the Receipts to Mr. *Grant*, who compared them with the account, and said that he found them right to the cash account, adding that there was about £150 which he had received in cash for Rent. That he the Witness stood close by at that time, and he thought he saw the Receipt A. amongst them; it was amongst them as far as he could recollect; he was pretty sure of it. Mr. *Grant* said, upon looking at the account and receipts; that he found every thing right, except some *Items* for drawing Saus. That Mr. *Grant* and the Prisoner conversed for some time together, when words went very high, and Mr. *Grant* said, he had better settle amicably with him, or "By God he would ruin him and his family." *Cross Examined* by the *Jy. Cl.* he said he did not recollect how many receipts there were—but one was dated 21 July, 1802; the other 1st August 1802. He could not say what were the dates of the others. He recollected these because they were the largest sums, and from what was afterwards said, but he could not say what that was which was afterwards said. He looked at the dates at the time and since when Mr. *Grant* brought his action against the Prisoner; there was some mention made of a Receipt of the 14th June. He could not say for what sum that Receipt was given. ("The Receipt of 14th June 1802 shown to him") he recollected to have seen that paper; and then after a little reflection said that he was not sure, but was sure he remembered the other two. That a man was not obliged to take notice of every thing. He thought he was certain of the date of the Receipt A. in